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February 12, 2004

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Application No. : **2,321,614** ✓
Owner : KABUSHIKI KAISHA TOSHIBA
Title : **NONLINEAR RESISTOR AND METHOD OF MANUFACTURING
THE SAME**
Classification : H01C-7/112
Your File No. : **40476-285** ✓
Examiner : Rajiv Agarwal

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE *PATENT RULES*.

IN ORDER TO AVOID **MULTIPLE ABANDONMENTS** UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY TO EACH REQUISITION MUST BE RECEIVED WITHIN **SIX MONTHS** AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence dated October 21, 2003. The application still does not comply with the Patent Act and the Patent Rules.

The number of claims in this application is 18, consisting of a revised set of claims.

A further search of the prior art has revealed the following:

Reference applied

US 4,450,426

May 22, 1984

H01C 7/12

Miyoshi et al.

A nonlinear resistor and method for making the resistor are disclosed by Miyoshi et al. A pair of electrodes is formed in a nonlinear resistor comprising a sintered body and a coating of zinc oxide as a major component. The sintered body has lower, upper and side surfaces. The pair of electrodes is formed by coating the upper and the lower surfaces with bismuth oxide concentration.

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Obviousness

All the features of claim 18 are disclosed by Miyoshi et al. in column 18, lines 1-31 and figures 1-3, namely making a nonlinear resistor using zinc oxide, a sintered body with upper, lower and side surfaces and forming a pair of electrodes on the upper and the lower surfaces of the sintered body. Merely insulating the side surface of the sintered body does not distinguish the claims over Miyoshi et al. because insulating the side surface has no functionality in making the nonlinear resistor. Further, the electrodes are formed by means of applying a zinc oxide compound whether by hand or by some means is no different than applying the same compound by plasma spraying, arc spraying, gas flame spraying, screen printing, deposition, transferring or sputtering and it is not inventive. There is no inventive ingenuity in putting known features together to provide a method of forming a nonlinear resistor as it is common knowledge to anyone skilled in this art. The subject matter of these claims would have been obvious on the claim date in view of Miyoshi et al. Therefore, claim 18 does not comply with Section 28.3 of the Patent Act.

Indefiniteness

Claim 18 is indefinite and does not comply with Subsection 27(4) of the Patent Act because only the desired result is stated, rather than the elements which will achieve that result. Claim 18 sets forth *a method of forming a nonlinear resistor comprising forming a side surface . . . forming an electrode at upper and lower surfaces of the sintered body*, but fails to define the functionality of forming the side surface. The process of manufacture must be defined by sufficient steps. It is not clear what is the functionality of insulating the side surface of the sintered body and how it is functionally integrated in making the nonlinear resistor.

Under Section 34 of the Patent Rules, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it overcomes each of the above objections.

In view of the foregoing defects, the applicant is requisitioned to amend the application in order to comply with the Patent Act and the Patent Rules.

Under Section 29 of the *Patent Rules*, applicant is requisitioned to provide an identification of any additional art cited during the prosecution of the United States and European Patent Office applications describing the same invention on behalf of the applicant, or on behalf of any other person claiming under an inventor named in the present application, subsequent to applicant's correspondence of . Similarly, the applicant is requisitioned to provide particulars of conflict, opposition, re-examination or similar proceedings affecting these United States and European Patent Office applications. In accordance with Subsection 29(3) of the *Patent Rules*, if there are no such proceedings, this must be stated.

Rajiv Agarwal
Patent Examiner - E5
819-997-2304
2321614E.AGA/120204